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**VIA ECF**

Honorable Lois H. Goodman, U.S.M.J.  
District of New Jersey  
Clarkson S. Fisher Building & U.S. Courthouse  
402 East State Street, Room 7E  
Trenton, New Jersey 08608

STAY GRANTED. PARTIES TO  
ADVISE WITHIN 5 DAYS OF  
DECISION ON SUMMARY  
JUDGMENT.

Re: **Josephine Baccay v. Heartland Payment Systems LLC et al.**  
**Civil Action No. 3:17-cv-7779-FLW-LHG**

So Ordered this 9th day  
of July, 2018

Dear Magistrate Judge Goodman:

The parties to the above-referenced case hereby provide this joint letter regarding a discovery dispute that is ripe for this Court to address following an unsuccessful “meet and confer” on the following dispute earlier this week. The dispute involves whether a stay of discovery is warranted in light of Defendants’ Heartland Payment Systems LLC (“HPS”) and Heartland Payment Solutions, Inc. (“Solutions”) (together, “Defendants”) recently filed motion for summary judgment which, if granted, will end this case. *See* Dkt. 36. The parties’ positions are set forth below.

**Defendants’ Position**

Defendants respectfully ask this Court to exercise its “broad discretion” to “stay discovery pending a decision on [their] dispositive motion.” *Gerald Chamales Corp. v. Oki Data Ams., Inc.*, 247 F.R.D. 453, 454 (D.N.J. 2007) (Schneider, M.J.). Because Defendants’ summary judgment motion is set for July 16, 2018—less than *one month* from today—the stay sought by this letter motion will be brief.<sup>1</sup>

During her deposition, Plaintiff Josephine Baccay testified that (1) the claims in her Complaint lack merit; (2) she cannot be sure whether several key factual allegations in her Complaint are even true; and (3) even if those factual allegations were true, she suffered no cognizable harm. For example:

<sup>1</sup> During a conferral call, Baccay’s counsel indicated that she intends to extend the deadline for her response to Defendants’ motion for summary judgment. But Baccay can hardly complain about a delay that is unnecessary and caused by her own actions. And if any deadlines are extended, the stay will extend only a few additional weeks.